

equivalent strength, which outer container may have air holes or spaces in the sides and/or ends of the container, provided that the outer shipping container must retain sufficient strength to prevent crushing of the primary and secondary shipping containers.

(c) *Request for a variance from container requirements.* A responsible person who believes the container requirements normally applicable to the movement of the person's regulated article(s) are inappropriate due to unique circumstances (such as the nature, volume, or life stage of the regulated article) may submit in an application for a permit, a request for a variance from the container requirements. The request for a variance under this section shall consist of a short statement describing why the normally applicable container requirements are inappropriate for the regulated article which the person proposes to move and what container requirements the person would use in lieu of the normally prescribed container requirements. USDA shall advise the responsible person in writing at the time a permit is granted on the person's request for a variance.

[52 FR 22908, June 16, 1987. Redesignated at 58 FR 17056, Mar. 31, 1993; 62 FR 23956, May 2, 1997]

§ 340.9 Cost and charges.

The services of the inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost.¹³ The U.S. Department of Agriculture will not be responsible for any costs or charges incident to inspections or compliance with the provisions of this part, other than for the services of the inspector.

[52 FR 22908, June 16, 1987. Redesignated at 58 FR 17056, Mar. 31, 1993; 62 FR 23956, May 2, 1997]

PART 351—IMPORTATION OF PLANTS OR PLANT PRODUCTS BY MAIL

AUTHORITY: 7 U.S.C. 7711–7714, 7721, 7754, and 7755; 7 CFR 2.22, 2.80, and 371.3.

¹³The Department's provisions relating to overtime charges for an inspector's services are set forth in 7 CFR part 354.

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351.7 Regulations governing importation by mail of plant material for immediate export.

CROSS REFERENCE: For customs regulations governing importation of plants and plant products, see 19 CFR part 12.

AUTHORITY: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

§ 351.1 Joint treatment generally.

The entry into the United States of certain plants, plant products, and soil is prohibited or restricted through various orders, quarantines, and regulations promulgated by the Administrator of the Animal and Plant Health Inspection Service (APHIS) under the authority of the Plant Protection Act (7 U.S.C. 7701–7772). To assist in enforcing the aforementioned orders, quarantines, and regulations, the Plant Protection and Quarantine Programs of APHIS have made provisions with the U.S. Postal and Customs Services to ensure closer inspection of prohibited or restricted imported articles.

[66 FR 21059, Apr. 27, 2001]

§ 351.2 Location of inspectors.

Inspectors of the Plant Protection and Quarantine Programs and customs officers are stationed at the following locations:

Anchorage, Alaska, Arlington, Va., Atlanta, Ga., Baltimore, Md., Baton Rouge, La., Blaine, Wash., Boston, Mass., Brownsville, Tex., Buffalo, N.Y., Calexico, Calif., Chantilly, Va., Charleston, S.C., Charlotte Amalie, St. Thomas, V.I., Chicago, Ill., Christiansted, St. Croix, V.I., Cleveland, Ohio., Corpus Christi, Tex., Dallas, Tex., Del Rio, Tex., Detroit, Mich., Douglas, Ariz., Dover, Del., Duluth, Minn., Eagle Pass, Tex., El Paso, Tex., Galveston, Tex., Hidalgo, Tex., Hilo, Hawaii, Hoboken, N.J., Honolulu, Hawaii, Houston, Tex., Jacksonville, Fla., Jamaica, L.I., N.Y., Key West, Fla., Laredo, Tex., McGuire AFB, N.J., Memphis, Tenn., Miami, Fla., Milwaukee, Wis., Mobile, Ala., New Orleans, La., New York, N.Y., Newport News, Va., Nogales, Ariz., Norfolk, Va., Pensacola, Fla., Philadelphia, Pa., Port Arthur, Tex., Port Canaveral, Fla., Port Everglades, Fla., Portland, Oreg., Presidio, Tex.,

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Progreso, Tex., Ramey AFB, P.R., Roma, Tex., Rouses Point, N.Y., St. Paul, Minn., San Antonio, Tex., San Diego, Calif., San Francisco, Calif., San Juan, P.R., San Luis, Ariz., San Pedro, Calif., San Ysidro, Calif., Savannah, Ga., Seattle, Wash., Tampa, Fla., Toledo, Ohio, Washington, DC, West Palm Beach, Fla., Wilmington, N.C.

[28 FR 5203, May 24, 1963, as amended at 36 FR 24917, Dec. 24, 1971]

§ 351.3 Procedure on arrival.

All parcel post or other mail packages from foreign countries which, either from examination or external evidence, are found or are believed to contain plants or plant products, shall be dispatched for submission, or actually submitted, to the plant quarantine inspector at the most accessible location listed in § 351.2. The inspector shall pass upon the contents under the Plant Quarantine Act and Federal Plant Pest Act and with the cooperation of the customs and postal officers either

(a) Release the package from further plant quarantine examination and endorse his decision thereon; or

(b) Divert it to the Plant Quarantine Station at Washington, DC, Brownsville, Tex., Hoboken, N.J., Honolulu, Hawaii, Jamaica, L.I., N.Y., Laredo, Tex., Miami, Fla., New Orleans, La., San Francisco, Calif., San Juan, P.R., San Pedro, Calif., or Seattle, Wash., for whatever disposition is deemed warranted. If so diverted, the plant quarantine inspector shall attach to the package the yellow and green special mailing tag addressed to the proper quarantine station. A package so diverted shall be accompanied by customs card Form 3511 and transmitted to the appropriate Customs office for referral to the Plant Quarantine Station. Envelopes containing customs card Form 3511 addressed to the collector of customs, New York, N.Y., shall contain a notation that the material is to be referred to the Plant Protection and Quarantine Programs, Hoboken, N.J.

[24 FR 9923, Dec. 9, 1959, as amended at 28 FR 5204, May 24, 1963, as amended at 36 FR 24917, Dec. 24, 1971]

§ 351.4 Records.

The customs officers at Washington, DC, Brownsville, Tex., Hoboken, N.J.,

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Honolulu, Hawaii, Jamaica, L.I., N.Y., Laredo, Tex., Miami, Fla., New Orleans, La., San Francisco, Calif., San Juan, P.R., San Pedro, Calif., or Seattle, Wash., shall keep a record of such packages as may be delivered to representatives of the Department of Agriculture, and upon the return thereof shall prepare a mail entry to accompany the dutiable package and deliver it to the postmaster for delivery or onward dispatch or in appropriate cases subject the shipment to formal customs entry procedure.

[28 FR 5204, May 24, 1963]

§ 351.5 Return or destruction.

Where the plant quarantine inspector requires the entire shipment to be returned to the country of origin as a prohibited importation (in which event he shall endorse his action thereon) and delivers the shipment to the collector of customs, the collector shall in turn deliver it to the postmaster for dispatch to the country of origin. If, upon examination, the plant material is deemed dangerous to plant life, the collector of customs shall permit the plant quarantine inspector to destroy immediately both the container and its contents. In either case the plant quarantine inspector shall notify the addressee of the action taken and the reason therefor. If the objectionable plant material forms only a portion of the contents of the mail package and in the judgment of the inspector the package can safely be delivered to the addressee, after removing and destroying the objectionable material, such procedure is authorized. In the latter case the inspector shall place in the package a memorandum (Form AQI-387) informing the addressee of the action taken by the inspector and describing the matter which has been seized and destroyed and the reasons therefor.

[24 FR 9923, Dec. 9, 1959, as amended at 36 FR 24917, Dec. 24, 1971]

§ 351.6 Packages in closed mail dispatches.

The foregoing instructions shall be followed in the treatment of packages containing plants or plant products received in closed mail dispatches made